

## MEETING MINUTES CITY OF MILPITAS

**Minutes of:** Regular Meeting of Milpitas City Council  
**Date:** Tuesday, April 2, 2019  
**Time:** 5:30 PM Closed Session  
7:00 PM Open Session  
**Location:** Council Chambers, Milpitas City Hall,  
455 East Calaveras Blvd., Milpitas

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**CALL TO ORDER** Mayor Tran called the meeting to order at 5:30 PM. City Clerk Mary Lavelle called the roll.

**PRESENT:** Mayor Tran, Vice Mayor Dominguez and Councilmember Nuñez

**ABSENT:** Councilmembers Montano and Phan were absent at roll call. Both arrived in Closed Session.

**CLOSED SESSION** City Council convened in Closed Session to discuss two matters listed on the agenda.

City Council convened at the dais for the Open Session regular agenda at 7:00 PM.

**ANNOUNCEMENT** City Attorney Chris Diaz stated there was nothing to report out of Closed Session.

**PLEDGE** The pledge of allegiance was led by Boy Scouts from Troop No. 92.

**INVOCATION** Mayor Tran invited a pastor from Sunnyhills Church to offer a prayer to start the meeting.

**PUBLIC FORUM** Robert Marini, resident, referred to his request for information regarding water rates.

Tom Height from the office of Congressman Ro Khanna, and another staff member, looked forward to working with Milpitas on issues of concern, including odor monitoring. Next town hall in Milpitas would be in June.

Councilmember Montano asked for the location of the Congressman's office, and it was at 3150 Delacruz Blvd. in Santa Clara.

Allysson McDonald, resident, invited all to a Sunnyhills Neighborhood Association breakfast meeting on upcoming Saturday.

Rob Means, 1421 Yellowstone resident, played an audio recording of a Congressman speaking in Washington, DC regarding the President.

Voltaire Montemayor, resident, said to respect everyone and to have some ground rules.

Hien La, Sunnyhills Apartments resident, thanked the City Council for support in the past to Sunnyhills tenants. She was concerned about their long term residence situation and continued to seek help.

Suraj Viswanathan wanted to honor Ms. Lori Lighthood who became the first African American LGBT person elected Mayor of a large U.S. city, Chicago, IL on this date.

**ANNOUNCEMENTS** Councilmember Phan thanked City staff and all those who showed up to the celebration of the life of civil rights leader Cesar Chavez on Sunday. He asked staff to bring to City Council an item to have a discussion on gun control.

**ANNOUNCEMENT OF  
CONFLICT OF INTEREST  
AND CAMPAIGN  
CONTRIBUTIONS**

City Attorney Diaz asked Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. By roll call, none were reported.

**APPROVAL OF AGENDA**

Motion: to approve the meeting agenda, as amended

City Manager Julie Edmonds-Mares stated staff requested to defer discussion of item no. 11 (Fire Department standards of coverage) and to move that topic to the next agenda.

Motion/Second: Councilmember Nuñez/Councilmember Montano

Motion carried by a vote of: AYES: 5  
NOES: 0

**CONSENT CALENDAR**

Motion: to approve the consent calendar including agenda items no. 1-3 and 6

Councilmember Phan requested to move item no. 9 onto consent.

Councilmember Montano requested to remove item no. 5 and Councilmember Nuñez requested to pull item no. 4.

Motion/Second: Councilmember Phan/Councilmember Montano

Motion carried by a vote of: AYES: 5  
NOES: 0

**\* 1. Council Calendars**

Accepted City Council calendar for April 2019.

**\* 2. Meeting Minutes**

Approved City Council meeting minutes of March 12 and 19, 2019.

**\* 3. Adopt Resolution**

Adopted Resolution No. 8858 awarding a construction contract and authorized the City Manager to execute the contract with JJR Construction, Inc., in the amount of \$660,063 for ADA Curb Ramp Transition Project and authorized the Engineering Director/City Engineer to negotiate and execute contract change orders in an aggregate amount not to exceed \$132,000 for the project.

**4. COPS Grant**

Assistant Police Chief Kevin Moscuza answered questions from Councilmembers Montano and Nuñez about the annual COPS grant process and allocation of funds towards specific Police Department services and equipment needs.

Motion: to accept the 2019 Citizen Options for Public Safety Grant in the amount of \$113,782 and approve a budget amendment

Motion/Second: Councilmember Nuñez/Councilmember Montano

Motion carried by a vote of: AYES: 5  
NOES: 0

**5. VTA RFP for police  
services**

Police Chief Armando Corpuz came forward to describe the City's response to a Request for Proposals issued by Valley Transportation Authority (VTA) for law enforcement services around the new Bay Area Rapid Transit (BART) station in Milpitas, when it opens. His comments were in response to inquiry from Councilmembers Montano, Nuñez, Phan and Dominguez.

Motion: to authorize the Milpitas Police Department to respond to the Santa Clara Valley Transportation Authority's Request for Proposal S19032 to provide supplemental law enforcement services at the Milpitas BART station campus at 1755 S. Milpitas Boulevard

Motion/Second: Councilmember Montano/Vice Mayor Dominguez

Motion carried by a vote of:

AYES: 5

NOES: 0

Councilmember Nuñez asked if there would be reimbursement to the City for its response by the Fire Department at the new Milpitas BART station. City Manager Edmonds-Mares said that staff certainly could follow up on that, along with other agencies, and report back.

Councilmember Montano asked about a Memorandum of Understanding with Santa Clara Valley Transportation Authority and other agencies, and requested a copy of intergovernmental agreements with VTA.

\* 6. Out of State travel

Approved out of state travel to Arizona for three members of the Milpitas Police Department's Honor Guard so they may participate in funeral services for retired Police Lieutenant Steven Petrakovitz, with costs paid out of the Police Department budget.

## **PUBLIC HEARING**

7. Time Extension – 1316 So. Main Street development

Planning Director Ned Thomas introduced Senior Planner Michael Fossati on the time extension request from the applicant for a condo development at 1316 South Main Street. The project had been approved by City Council on December 6, 2016, and a request for extension was filed in September of 2018 and heard by the Planning Commission in December.

Sal Caruso, project architect and applicant, explained that they were diligently moving ahead on this project. Timelines for the project were reviewed for the City Council.

Mayor Tran invited public comments.

Rob Means, resident, commented on the changed times for developments such as this one, with a much busier economy coupled with high demand for housing.

Voltaire Montemayor, resident, commented favorably on this project.

(1) Motion: to close the public hearing, following two speakers

Motion/Second:

Councilmember Phan/Councilmember Montano

Motion carried by a vote of:

AYES: 5

NOES: 0

Councilmember Montano remarked that she did not favor this project when it came to City Council in 2015, and had opposed it then due to parking issues, including tandem parking.

Staff reported that the project changed ownership since it was first approved.

Some discussion was held concerning "projects in the pipeline" and finding clarity from staff on that. Planning staff answered questions about the history on this and other development projects submitted prior to affordable housing and public art requirements adopted by City Council.

City Attorney Diaz suggested that Council could add an agenda item in the future to have additional discussion on related topics to this project.

Mayor Tran stated he would vote no on this since the timeline already expired. Times had changed since the project first came to the City.

Councilmember Nuñez saw a news article about the City of San Jose charging one flat fee for its impact fee, in order to speed up the approval process. For anything to make this process faster, Milpitas should take a look at that, he strongly urged.

(2) Motion: to adopt Resolution No. 8860 approving the Time Extension (Permit No. TE18-0003) for a Site Development Permit (SD14-0021), Site Development Permit Amendment (SA18-0002), Conditional Use Permit(UP14-0022), and Vesting Tentative Map (MT14-0005) to develop a four-story, 18-unit residential condominium building, up to 52 feet in height on vacant 0.4-acre parcel at 1316 South Main Street

Motion/Second: Councilmember Phan/Councilmember Nuñez

Motion carried by a vote of: AYES: 4  
NOES: 1 (Tran)

Councilmember Montano voted in favor based on funding provided for affordable housing and public art, as offered by the applicant for this project.

## **COMMUNITY DEVELOPMENT**

### **8. Tenant Protection Task Force**

Building & Housing Director Sharon Goei addressed Council with history on the formation of the Tenant Protection Task Force, comprised of representatives from tenants/residents and landlord/owner communities in Milpitas. The two groups met from September 2018 through February 2019. She also described the Sunnyhills Apartments complex, where residents participate in the HUD Section 8 housing voucher program.

Housing Administrator Robert Marsallam defined various terms, explained the Project Sentinel non-profit organization and its role on housing matters in the City, and cases it handled in Milpitas. He described education of tenants and listed landlord core values. Mr. Marsallam listed peer cities, and policies each had on rent control or just cause eviction policies.

Ms. Goei listed three recommendations for Council's consideration at this meeting:

1. Receive a staff report
2. Direct the City Manager to increase Project Sentinel contract by \$10,000
3. Give feedback to staff on any Task Force issues or core values

Councilmember Phan asked if the City had any financial stake in Project Sentinel and staff said no. That non-profit provided contractual services to the city and residents here.

Mayor Tran noted the number one effort at this meeting was for City Council to hear from residents and speakers. There were many people in the audience wishing to address the Council on this item, and speaking time was limited to one minute.

#### Speakers

Paul, resident, was very concerned about rent control and just cause eviction. He mentioned the policy in San Francisco.

Greg Haas, resident, managed rental properties for owners and served on the Task Force. Here was a societal problem, not something for small property owners to solve housing challenges. He did not support rent control, as in Oakland and Mountain View.

Juliette Gomez, resident, mentioned rent control and did not want dictatorship on her property if she needed to move out of the city in future. Have a healthy conversation, and improve living conditions.

Suraj Viswanathan, resident, spoke about rent control and referred to a Stanford University study. He felt tenants really win when there is rent control, while owners and developers do not win. Renters rights' would be better.

Christina Garavalian, of the Santa Clara County Association of Realtors, spoke in defense of the rights of property owners and to expand housing for all residents of the Bay Area, to address the housing affordability crisis. Don't place additional burdens on housing providers.

Anil of the California Apartment Association, felt rent control and just cause eviction rules were detrimental to rental housing owners, and thus for tenants. Urged Council to reject those choices.

Neal Collins, President of Santa Clara County Association of Realtors, said rent control only makes the housing situation worse, and other comments.

Pastor Mize, of Milpitas Pastors Fellowship, read a letter with concern expressed for homeless residents and more protections for renters in the city. He said to work together with landlords, and don't let money be the prime motivator in housing.

Brian Nichols of San Jose, was fortunate to live in a rent controlled apartment in that city, and it allowed stability for him to study and participate.

Ruben Nelson, age 87 years old, read aloud a letter on how rent control helped him.

Hien La, Sunnyhills Apartments resident, said lots of people believed in tenants. She was concerned for the rent and raising it by landlords.

Matthew Warren of Law Foundation of Silicon Valley, was part of the Task Force, felt Milpitas needed strong protection for tenants. He wanted to see ordinances for the City Council to vote on and the City needed to pass an urgency ordinance.

Sandy Perry from the Affordable Housing Network of SCC, referred to a crisis for renters in California. Stand up for those rights knowing rent control is a form of regulation to help tenants.

Ms. Hernandez, of a tenant rights coalition in San Jose, spoke on behalf of Milpitas tenants who were often working class families. They need rent control.

Leonardo spoke on how rental rules affected his community. He was not a homeowner or renter. Rent increases had hurt families he knew.

Carlos Salcedo, principal at Randall Elementary School, was speaking for himself. He felt discrimination against lower income tenants hurt students in Milpitas. Protect children's rights.

Mr. Bustamante, from an organization in San Jose, was disappointed in the staff report to City Council. Here was opportunity to help the majority of the community with policies.

Ana Marcos, (with translator), representing families in Milpitas, spoke of the need to protect families and those who rent in this city, and needed housing for workers here.

Holly spoke in favor of renters/tenants protection and to stop evictions.

Maria Vasquez, 30 year resident of Milpitas, supported the community and culture of "we" with concern for unfair eviction of students.

Yolie Garcia, homeowner in Milpitas, was in favor of tenant protections and was concerned about the 251 homeless students in the public schools in Milpitas.

William Au, resident, was in favor of rent control for families and was concerned about recent increases in rent in Milpitas. Set up rent control ordinance as soon as possible.

Rev. Emilio Salzone could not fully understand rental control until he experienced a rent increase himself. He was sad over this situation.

Christopher Talman, San Jose resident, lived in a rent control unit in that city. Tenant protections and rent control were needed soon.

Monica, Selwyn Drive resident and married with five children, knew tenant protections, just cause eviction, and rent control were needed in Milpitas.

Chim Chee Ma, resident of Fremont, talked about non-binding rental review program, with 42 cases in front of a board there.

Huascar of Silicon Valley at Home noted that on rental housing, there was a need to ensure protections via just cause eviction rules.

Larry Chu, age 82 and a landlord for 40 years, raised rents gradually over the years. He felt beautification of areas was also important. Puts money back in to apartment units.

Alice spoke of being a victim of just cause eviction and abuse of her family's property in Oakland. Tenants set the property on fire.

Asa, of Silicon Valley renters rights coalition and other groups, spoke of desire of all families and a need for fair rents. She wanted action taken by City Council by emergency ordinance.

Allysson McDonald, resident, submitted a stack of letters from tenants to City Council, seeking support for tenant protections. She mentioned that single family homes or townhouses cannot be included in protections. Action was needed by City Council.

Ken was against rent control for tenant rights.

Rob Means, homeowner, spoke of power and greed. Power was with the property owners not renters and there was a need to balance the scales a bit.

Rich, homeowner in Milpitas, mentioned an article in the news where Milpitas was near the top as place to raise a family.

A man, Yo Win, spoke of offering rental property to a family in Milpitas, stating he would not rent it out again if there was rent control.

A woman was in support of what's going on. Strongly need rent control and just cause eviction.

Robert Bessler, spoke of the effects of rent increase on his family. His mother worked 14 hours per day at multiple jobs, due to continuing rent increases every year.

Tiffany Vu spoke in concert with low income families who needed protections, by ordinance in Milpitas, to protect tenants.

Voltaire Montemayor, resident, said he goes for both sides.

Sandy, resident of Fremont, owned a small property in Milpitas.

Lu, a property owner from San Jose, said rent control and just cause eviction was not a solution.

Christian Alonzo, of Eco California and an organizer, stood in solidarity with tenants in Milpitas due to the housing crisis, and a need for urgency ordinance.

A man said the data was incorrect and spoke about his immigrant family.

Cindy managed some apartments here, and believed the majority in Milpitas were homeowners. She urged Council to be fair and make good decision based on the housing market.

A woman asked Council to consider facts in the Project Sentinel report.

A man, homeowner in Milpitas, felt rent control was bad, noting that in San Francisco, it had resulted in reverse actions.

A man speaking in Chinese language, said before rental control, there was a need to pay mortgage and care about one's property. Rent control was not the only way to fix the problem, to add housing supply.

A woman homeowner said to protect both sides in this debate.

A man resident asked to consider an ordinance on rent control.

A woman said her family had a small building in Oakland, and needed to be concerned about all, renters and tenants. Spoke about a train going nowhere.

Chris Miller, a new homeowner in Milpitas, urged all to avoid fearmongering. City needed to care about tenants and landlords. Do more than what staff recommended, he said.

Victor, a homeowner in Milpitas, said if all were living in a moral and just society, there would not be arguing over this issue. People were hurting, so he prayed for Council to do the right thing.

A woman homeowner in Milpitas said this was the City's economic problem. The City needed to provide jobs to residents. City needed a balance of jobs and housing.

A woman, small housing provider, spoke about a recent eviction case she went through. Problem was that tenant did not pay the rent so just cause eviction would be more drama.

Public comments concluded at 9:57 PM. Mayor Tran thanked all the speakers.

Mayor Tran said he would need more time to further analyze what's the best decision. There would be a need to go through legal processes to make change and have the best process.

Councilmember Nuñez noted Council did not have a chance to pass any urgency ordinance at this meeting, as confirmed by the City Attorney, since it was not on the agenda. He thanked the Task Force for its work over several months. He did not see any inventory, while he felt City staff could help people find homes. He thought about Community Development Block Grant funding and needing a way to help, along with the School District.

Vice Mayor Dominguez thanked the speakers. She felt the City Council could not wait any more, needed to help families, time for urgent action, supporting the \$10,000 for Project Sentinel. Need a holistic approach and clear transparency. She asked why the City did not yet have just cause eviction and income discrimination ordinance. She wanted to give and receive feedback on Code Enforcement in the holistic plan, and see a system of enforcement. She urged working more with Project Sentinel including maybe to offer a confidential hotline.

Councilmember Montano thanked staff for hard work and the two teams that met on these housing topics. Council needed comprehensive information on this comprehensive matter. Some tenants do not know their rights. She referred to need for a Housing Commission and urged creation of a "lifeline" similar to PG&E. She supported more money for Project Sentinel.

Councilmember Nuñez agreed with Ms. Montano, and would love the City to buy Sunnyhills Apartments, as she suggested when thinking out of the box.

Councilmember Phan felt this was a broad agenda item, with a lot for further study and information while making progress on housing needed in Milpitas. He was concerned about rent control and implementing that. City needed a program to help supplement rent, as a form of assistance to help tenants in Milpitas. He needed more education on these issues.

Deputy City Manager Steve McHarris addressed Mr. Phan in reply to some of his remarks, and questions.

Councilmember Phan then moved the staff recommendations No. 1 and No. 2.

Councilmember Montano would like a map, showing apartments throughout the City. She urged working with Project Sentinel and landlords to get some really good data, and to find out if and how City Council can help residents.

Councilmember Phan said to focus on tangible things. This topic would take a lot of effort since it was a dense issue.

Vice Mayor Dominguez said this was an educational pathway. She walked throughout and around streets in the City. She asked staff to confirm that the Task Force concluded, and Mr. McHarris said yes. The Vice Mayor felt Council's one job was to make policy.

Motion: to approve staff recommendations numbers 1 and 2

1. Receive staff report on the Tenant Protection Task Force.
2. Direct the City Manager to increase the Project Sentinel contract by \$10,000 for more outreach and engagement, with a focus on pre-eviction services, and to return to City Council with budget proposals to enhance tenant protection services and improved data analytics.

Motion/Second: Councilmember Phan/Councilmember Nuñez

Motion carried by a vote of: AYES: 5  
NOES: 0

## COMMUNITY SERVICES

\* 9. Resolution for Purchase & Sale of 1831-1841 Tarob Ct.

This item was approved on consent.

Adopted Resolution No. 8859 authorizing City Manager to execute a Purchase and Sale Agreement and all related closing documents for property at 1831-1841 Tarob Court (APN 086-036-030) within the Transit Area Specific Plan (TASP) to accommodate extensions of South Milpitas Boulevard and Sango Court, and approved a budget amendment.

### 10. Library Funding

Recreation Services Director Renee Lorentzen reported to City Council on a staff and Library Advisory Commission request for expending current FY 2018-19 funding towards Milpitas Library direct services. One item that the Library sought was a GoGoBiblio vehicle, and also funding for additional library service open hours on Friday evenings from 7 to 9 PM.

Councilmember Montano commented on serving as liaison to Library Advisory Commission and as the representative from the Council to the County Library Joint Powers Authority Board. She supported these additional services for the busiest library in the county JPA.

Councilmember Nuñez wanted to know how many more people would be served with \$58,359 for Friday evenings. He further asked Ms. Lorentzen to explain the funding request.

Chris Brown, Deputy County Librarian, came forward to report that a survey of library patrons responded with those recommended hours. Cupertino was the only other library that had those Friday hours, added very recently.

Councilmember Nuñez favored keeping library hours funding support as currently provided. For expanding hours, he would rather see other cities' libraries offering those hours and see if it was useful. He would like to see all other needs in the city and consider the \$355,431 (for GoGoBiblio vehicle) request alongside with all others.

Mayor Tran said he piggybacked on Councilmember Nuñez' comments. He recommended extra Friday hours maybe only in the summer time, to reduce costs. Maybe only have library open until 8:00 PM closing.



Councilmember Phan wanted to get some numbers on people checking out books at the library. Mr. Brown reported a 9% increase in borrowing materials since the City added funding for more hours. Mr. Phan wanted to know if that increase was for youth and he asked questions about the GoGoBiblio.

The City Manager offered a recommendation on this funding proposal and to come back to Council. This would include Council approving an extra hour on Friday in the summer, to reach out to school district on what was the value, if they would partner with the city and to come back to City Council with that information.

Councilmember Nuñez wanted a partnership with Milpitas Unified School District, and maybe with county or other government agency partners. He was fine with the program and idea of it.

Vice Mayor Dominguez wanted to know where the school district stood on this issue. She was not sure she favored the cost for the vehicle.

A motion was then offered to approve staff recommendation No. 3, while Councilmember Nuñez would investigate a partnership with school district or other governments, and determine at budget time the evaluation of the vehicle request.

Motion:

- 1) Approve funding of \$160,624 to maintain Milpitas Library current open hours and direct staff to incorporate this action into the City's Fiscal Year 2019-20 Operating Budget.
- 2) Approve funding an additional two hours per week on Friday evenings in the summer from 7:00 PM – 9:00 PM for an additional amount to be determined. Following evaluation of the service, directed staff to bring back to Council incorporating this funding into FY 2019-20 budget.
- 3) Directed staff to explore funding for a "GoGoBiblio" program using alternative strategies including but not limited to: internal staffing model; seeking, securing and leveraging of internal and external resources; and securing partnerships with Milpitas Unified School District and/or other agencies. Staff would report back to City Council once data was made available, with data to be shared during the Council budget study session next month

Motion/Second: Councilmember Nuñez/Vice Mayor Dominguez

Motion carried by a vote of: AYES: 5  
NOES: 0

Note that staff would ask the County library staff to identify the summer date ranges for Friday Library evening hours starting on July 1, 2019 and corresponding associated costs since the projected amount would be less than \$58,369 (amount noted in staff report).

Council decided to end the meeting following this item and did not complete the last three agenda items.

**PUBLIC SAFETY**

11. Fire Dept. Standards Item was removed from the agenda.

**LEADERSHIP**

12. Council Subcommittee This item was not heard.

**REPORT**

13. Commission Appointment This item was not heard.

**NEXT AGENDA**

14. Preview next agenda Did not review preview list for April 16, 2019 City Council agenda.

**ADJOURNMENT**

Mayor Tran adjourned the meeting at 11:35 PM.

**The foregoing minutes were approved by Milpitas City Council on April 16, 2019.**

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**Mary Lavelle**  
**Milpitas City Clerk**